

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR
9004-1(b)

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In Re:

SIRAD D SUMMERLIN and
NATASHA S SUMMERLIN fka
NATASHA SCARANNI

Debtor(s).

Case No.: 18-14374 MBK
Chapter: 13

Hearing Date: N/A

Judge: Honorable Michael B.
Kaplan



Order Filed on February 8, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Recommended Local Form: ☐ Followed ☒ Modified

ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: February 8, 2019

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant:	SUN WEST MORTGAGE COMPANY, INC.
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtor's Counsel:	JUSTIN M GILLMAN
Property Involved (Collateral")	13 RIDGE AVENUE SAYREVILLE, NJ 08872

Relief sought:

- ☒ Creditor's Certification of Default
- ☐ Motion for relief from the automatic stay
- ☐ Motion to dismiss
- ☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for arrears from prior Agreed Order in the amount of \$606.47 with \$2.22 in suspense.
- ☐ The Debtor is assessed for N/A late charges at N/A per month.
- ☒ Applicant acknowledges receipt of funds in the amount of \$3,037.85 received after the Certification of Default was filed.

Total Arrearages Due \$604.25.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$604.25. Payment shall be made no later than February 1, 2019.
- ☒ Beginning on February 1, 2019, regular monthly mortgage payments shall continue to be made in the amount of \$1,822.71.
- ☐ Beginning on N/A, additional monthly cure payments shall be made in the amount of \$N/A for N/A months.
- ☐ The amount of \$N/A shall be capitalized in the Debtor's Chapter 13 plan. The Debtor's monthly payment to the Chapter 13 Trustee is modified to be \$N/A per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

- ☒ Immediate payment: Sun West Mortgage Company, Inc.
c/o Fein, Such, Kahn & Shepard P.C.
7 Century Drive Suite 201,
Parsippany, NJ 07054
- ☒ Regular monthly payment: Sun West Mortgage Company, Inc.
P.O. Box 6007
Artesia, CA 90702-6007
- ☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$400.00, and costs of \$N/A.

The fees and costs are payable:

- ☒ through the Chapter 13 plan.
- ☐ to the Secured Creditor within _____ days.
- ☐ Attorneys' fees are not awarded.